

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 334 OF 2007

Mohd. Arif Abubakar Batliwala Applicants
 & Others

Vs.

The State of Maharashtra & Respondents
 Ors.

Mr. H.K. Prem & Priyanka Vegad for the Applicants
 Mr. A.S. Shitole, APP for the State.
 Smt. Sharmila Kaushik for Respondent Nos. 3,4 & 5.

CORAM : SMT. V.K. TAHILRAMANI, J.
DATE : 15TH FEBRUARY 2007

P.C.

1) Heard learned Advocate for the applicants -original accused, learned Advocate for respondent no. 3 - original complainant and respondent Nos. 4 and 5 for the injured witnesses and the learned APP for the State.

2) The applicants are seeking quashing of C.R. No. 275 of 2006 of Pydhonie Police Station. The said case is under Sections 307, 324 read with 34 of Indian Penal Code and under Section 37(1)(a) of Bombay Police Act.

3) The respondent nos. 3 to 5 i.e. the complainant and the two injured witnesses have

filed Affidavits wherein it is stated that the matter has been amicably settled between the parties and that they do not wish to proceed against the applicants.

4) Looking to the Affidavit filed by the applicants and injured witnesses in order to maintain amicable relations between the parties who are residing in the same locality and in view of the decision of the Supreme Court in the case of B.H. Joshi Vs. State of Haryana (2003) 4 SCC Page 675 wherein when the parties amicably settled the dispute, the criminal proceeding in those cases were quashed, I am also inclined to quash the case.

5) Looking to the fact that the complainant does not wish to pursue his complaint, I am of the opinion that the Court can consider the prayer of the applicants and quash the said case. Hence, C.R. No. 275 of 2006 registered at Pydhonie Police Station and the proceedings relating thereto are quashed.

5) Application is disposed of.

(SMT. V.K. TAHILRAMANI, J.)